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C O N F I D E N T I A L SECTION 01 OF 03 TASHKENT 000353

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SUBJECT: KINDER, GENTLER HUMAN RIGHTS MESSAGE GREETS DAS
FEIGENBAUM

Classified By: AMB. JON R. PURNELL, FOR REASONS 1.4 (B, D)

¶1. (C) Summary: Uzbekistan's leading human rights and religious affairs officials greeted SCA DAS Evan Feigenbaum on March 1 with a warmer and more conciliatory tone, but in substance their message was unchanged. The State Advisor for Religious Affairs, Bakhrom Abdukhalimov, an academic by background, described his work as very interesting from a scholarly point of view, and then read talking points stating the Government's well-worn views on religious freedom. He did not, however, debate the U.S. decision to designate Uzbekistan as a country of particular concern. Human Rights Ombudsman Sayyora Rashidova offered a more dynamic discussion of the various issues that divide U.S. and Uzbek views on human rights. Both officials acknowledged our significant differences, but expressed the hope for productive dialogue in the future. The bitter debate and Uzbek recriminations over the 2005 Andijon violence was absent from the discussions, but remained in the background. End summary.

ABDUKHALIMOV: "I FIND THIS WORK VERY INTERESTING."

¶2. (C) SCA DAS Evan Feigenbaum's March 1 meeting with State Advisor on Religious and Interethnic Affairs Bakhrom Abdukhalimov was the first by a U.S. official since Abdukhalimov's appointment on December 4, 2006. (Note: His predecessor, Shoazim Minovarov, was removed from the job after only a few months; Embassy contacts believed the dismissal was related to Uzbekistan's designation in November as a Country of Particular Concern for religious freedom. End note.) Abdukhalimov, a soft-spoken scholar of Arabic philology and Islamic and Central Asian history, previously served as the director of the Research Institute of Oriental Studies in Tashkent, Uzbekistan's leading institute of Middle Eastern and Central Asian studies. He referred frequently to his deep interest in Islamic and Central Asian history. He is proficient in English, and conducted much of the meeting without translation.

¶3. (C) Abdukhalimov said that the Government strives to create conditions for peaceful relations among Uzbekistan's over 130 ethnic groups. He said the Government had established over 100 cultural centers for various ethnicities to promote their languages and traditions. Then, reading from prepared notes, he reviewed statistics on Uzbekistan's religious communities and assertions about the peaceful coexistence of many faiths. He specifically highlighted the

fact that the Pentecostal Church and Jehovah's Witnesses are registered in Uzbekistan, noting that Jehovah's Witnesses are banned in many other Muslim countries. "There are no limits or impediments to law-abiding religious groups," he said. He pointed out, however, that Uzbek law prohibits proselytizing and unlicensed religious teaching. He did not raise the issue of the U.S. decision to designate Uzbekistan as a country of particular concern.

¶4. (C) DAS Feigenbaum acknowledged the tolerant nature of the Uzbek people, the growth in religious practice since independence, and the leadership's concerns about terrorism and the need to curb religious extremism. But he then discussed four areas of concern which, he added, could serve as a basis for ongoing dialogue: legal restrictions on religious freedom, government policy banning certain religious practices like proselytism, limitations on religious education, and prosecution of members of certain religious groups. Without responding specifically to any of these points, Abdukhalimov said that he looked forward to further dialogue. He then returned to discussing the scholarly aspects of his work. "I have been in my job only three months, and am still feeling my way," he said. "As a historian, I find this work very interesting."

RASHIDOVA: "WE HAVE PROBLEMS IMPLEMENTING OUR LAWS."

¶5. (C) A smiling Sayyora Rashidova, the national Human Rights Ombudsman, welcomed DAS Feigenbaum into her reception chamber at the national Parliament building. After a brief overview of the activities of her office, she focused on two aspects: addressing public complaints and cooperating with government

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agencies to resolve larger issues. She admitted that not all intra-governmental relations were smooth: "The Ministries understand our work," she said. "We have more problems with the justice system." She noted that her office may request documents relating to court cases in which human rights violations have been alleged, but that courts are not always cooperative.

¶6. (C) DAS Feigenbaum said that, while universal principles of human rights are enshrined in Uzbek law, the United States has concerns about their implementation. Rashidova agreed. "The Government tries to create conditions for peaceful development. But we are not always satisfied with the implementation of our laws." As an example, she noted the abolition of capital punishment and the introduction of judicial oversight over arrest and pre-trial detention. Both are due to take effect at the beginning of 2008. "We need to create new mechanisms to implement these laws," she said. "It will not be easy." She noted problems in implementing a new law on property-owners' rights. "After two years, there are still complaints from the public about implementation of this law," she said, which have prompted a full review by her office. "If you have any ideas or suggestions on how to support us in this process, we would welcome them."

¶7. (C) Rashidova commented disparagingly on many "self-declared human rights defenders" who come to her office seeking to defend their own interests. She said that the law is not clear on who may be considered a human rights defender. She noted also that when she hears individual complaints, she may review up to two dozen cases per day, of which only a few may involve a true violation of rights. She said, "I spend hours of my time working as an unpaid legal consultant."

¶8. (C) Rashidova said that, like many outside observers, her office is concerned with treatment of detainees and allegations of torture, and has begun establishing a network of prison ombudsmen to monitor treatment of prisoners and examine torture allegations. Each month, she said, she visits a pre-trial detention facility or a prison. She

emphasized that this is not a one-sided project: the Internal Affairs Ministry's penal authority is interested in it and is actively cooperating.

¶19. (C) DAS Feigenbaum noted U.S. concerns about political rights; Rashidova explained that the Uzbek Parliament is developing a new law on political parties to energize parties' role in political life. In response to the question whether parties would find it easier to register as a result, Rashidova said simply: "That is an issue of implementation mechanisms. Parties should apply for registration. We have no limitations." (Note: No opposition political groups are registered in Uzbekistan, despite many applications by various groups. End note.)

¶10. (C) Rashidova stressed that law should correspond to the society in which it is applied. As an example, she said that one of the Central Asian republics (she did not specify which) has an Ombudsman law that is as strong as Sweden's; however, it does not function at all, because the society in which it is being implemented is not Swedish. "Laws should anticipate future development," she said, "but many laws do not correspond to today's realities."

¶11. (C) In the context of individual cases of concern to the United States, Feigenbaum raised U.S. concern about Human Rights Watch local staffer Umida Niyazova, who awaits trial in a Tashkent detention center, as well as detainees who have reportedly been subjected to forced psychiatric treatment. He also noted "certain events" (i.e., the Andijon violence of 2005) which continue to strain relations and which the United States could not forget. Rashidova acknowledged these issues, but did not comment on them. Regarding the Department's forthcoming annual Human Rights Report, he noted that there will surely be areas of the report with which Uzbek officials would disagree, and that this should come as no surprise. Rashidova answered, smiling, "We long ago ceased to be surprised by your reports."

COMMENT: A WARMER TONE, BUT AN UNCHANGED MESSAGE

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¶12. (C) While both Rashidova and Abdukhaliqov brought a warmer tone to these meetings and indicated a desire to continue dialogue, the substance of their message remained essentially unchanged. Abdukhaliqov is in a powerful position. He has direct access to the President, and his predecessors were reputed to have been driving forces behind several of the Government's restrictive policies toward religious groups. If he remains in office and lends a sympathetic ear to moderate voices, he could effect some relaxing of the Government's currently antagonistic policies on religion. Rashidova has much less authority to influence policy or law enforcement, and she rarely deals with issues of any political sensitivity.

¶13. (U) DAS Feigenbaum cleared this cable.

PURNELL